

March 10 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. PR 06-0120

FILED

MAR 10 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANAIN THE MARRIAGE OF
LORNE MURPHY,

Petitioner,

and

ORANDO ECHEVERIO,

Respondent.

O R D E R

Lorne Murphy seeks to disqualify the Honorable John Larson from presiding in Cause No. DR 01-240 in the Fourth Judicial District Court, Missoula County, pursuant to § 3-1-805, MCA.

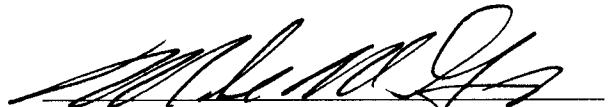
Section 3-1-805, MCA, requires that a request for disqualification must be accompanied by an affidavit alleging facts showing personal bias or prejudice of the presiding judge. Here, the document in which Murphy asks that Judge Larson be disqualified is titled "Motion and Affidavit," but it is not notarized, nor does it contain any allegations of specific facts regarding personal bias or prejudice of Judge Larson; it only sets forth the text of various statutes, the 2007 ABA Model Code of Judicial Conduct, and the Montana Code of Judicial Conduct.

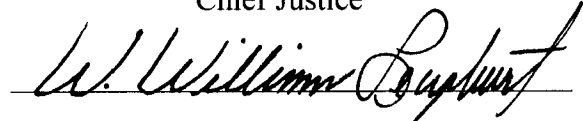
Because the affidavit is not in proper form and does not allege facts showing personal bias or prejudice,

IT IS ORDERED, pursuant to § 3-1-805(1)(c), MCA, that the request to disqualify District Judge Larson from presiding in Missoula County Cause No. DR-01-240 is set aside as void.

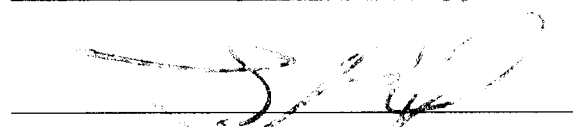
The Clerk is directed to provide copies of this order to the Clerk of the District Court of Missoula County for notification to Lorne Murphy personally and all counsel of record in Cause No. DR-01-240, and to the Honorable John Larson, District Judge.

DATED this 9th day of March, 2010.


Chief Justice

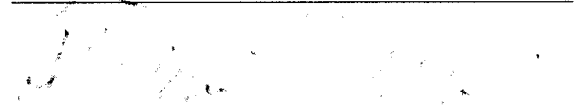






Patricia Cotton





Justices